

CLEAN WATER ACT2-B. EPA Administered National Pollutant Discharge Elimination System Permits1. **AUTHORITY.**

- a. To take all actions enumerated under 40 C.F.R. Parts 122, 125, 129 and 133 necessary for the pre-issuance development of individual and general NPDES permit terms and conditions.
- b. During the term of any NPDES permit issued by the U.S. Environmental Protection Agency, the authority to take any action the relevant permit allows the permit issuing authority to exercise, including but not limited to authorities specified in permit conditions required by 40 C.F.R. § 122.41 or § 122.42.
- c. To determine whether cause exists to modify or revoke and reissue a NPDES permits under 40 C.F.R. § 122.62.
- d. To make minor modifications to NPDES permits under 40 C.F.R. § 122.63.

2. **TO WHOM DELEGATED.** Director, Water Division.3. **LIMITATIONS.**

- a. The authority to initiate enforcement actions described in 40 C.F.R. § 122.6(c)(1) is retained by the regional administrator and delegated per Delegations 2-22, 2-51, 2-52A and 2-52B (and any successor delegations).
- b. The authority to issue, condition or deny new source NPDES permits described in 40 C.F.R. § 122.29(c)(3) is retained by the regional administrator and delegated per Delegation 2-20.
- c. The authorities pertaining to permit termination decisions under 40 C.F.R. § 122.64 are retained by the regional administrator and delegated per Delegation 2-E.
- d. The authority delegated to the Administrator or regional administrator in 40 C.F.R. Part 125, Subparts D to N is retained by the Administrator or regional administrator, respectively.
- e. In case of any conflicts between this delegation and Delegation 2-13, Delegation 2-13 shall govern.
- f. Consistent with the definition of "Director" in 40 C.F.R. § 122.2, the authority in 1.b applies to any action a permit condition in an EPA-issued permit authorizes the "Director," "Regional Administrator" or other Region 8 official to perform.

4. **REDELEGATION AUTHORITY.**

- a. This authority may be redelegated to the section chief level, or equivalent, and no further.

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- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. EPA NPDES Permit Writers' Manual.
- b. Delegation 2-20, National Pollutant Discharge Elimination System; Delegation 2-E, National Pollutant Discharge Elimination System Permit Termination Decisions.



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Acting Regional Administrator



Date